

REMARKS

In the Office Action mailed August 6, 2004, the Examiner objected to claims 3, 6, 10, 126, 157-161 and 163. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 3, 6, 157-161 and 163 and added new claims 166-171. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

The Office Action reads that, "Claim 3, line 12, cites 'at least one thermal property' however is this the same as 'at least one thermal property' already referred to in line 5 of the claim ?" In response, Applicants have placed the term "said" before the phrase "at least one thermal property" in claim 3, line 12.

The Office Action reads that, "A period is missing at the end of claim 6." In response, Applicants have added a period at the end of claim 6.

The Office Action reads that, "Claim 10, line 4, appears to have a typographical error as it cites 'silicon wafer' which should be 'silicon wafer'." In response, Applicants have reviewed claim 10, line 4 and suggest that "silicon wafer" is already recited as the Examiner has suggested it should be. However, if the Examiner's copy of claim 10, line 4 reads "silicon wafer" rather than "silicon wafer", Applicants fully authorize the Examiner to amend claim 10 as necessary such that the term "silicon wafer" is properly recited rather than "silicon wafer".

The Office Action reads that, "Claim 126, line 4, cites 'said 6 or more samples' which should be 'said 5 or more samples'." In response, Applicants have reviewed claim 126, line 4 and suggest that it already reads "said 5 or more samples" as the Examiner has suggested in should. However, if the Examiner's copy of claim 10, line 4 reads "said 6 or more samples" rather than "said 5 or more samples", Applicants fully authorize the Examiner to amend claim 126 as necessary such that

the phrase “said 5 or more samples” is properly recited rather than “said 6 or more samples”.

The Office Action reads that, “Claim 157 cites ‘the at least 5 samples’ which lacks antecedent basis in claims 5 and 6. Claim 158 cites ‘the at least 5 sensors’ and ‘the at least 5 samples’ both of which lack antecedent basis in claims 5 and 6. Claims 159-161 and 163, each cite ‘the at least 5 samples’ which lacks antecedent basis in claims 5 and 6.” In response, Applicants have removed dependency of claims 158-161 and 163 upon claims 5 and 6. Applicants then added claims 166-171 dependent upon claims 5 and 6 to replaced the claim coverage that was removed from claims 158-161 and 163.

Applicants believe that the above should cure the objections raised by the Examiner. Additionally, however, if such objections are not cured as desired by the Examiner or if the Examiner has any other objections like those addressed above, the Examiner is specifically requested to phone the undersigned such that the objections can be addressed in an expedited manner such as by an Examiner’s Amendment.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu

Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

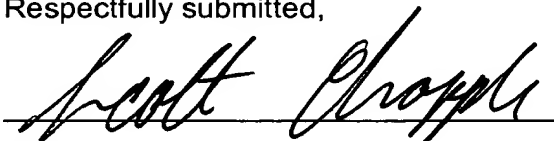
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 593-9900.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-0496 for any fee which may be due.

Respectfully submitted,

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